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# Contaminated Properties Redevelopment Act - Part II -

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# Contaminated Properties Redevelopment Act

## - Part II -

- Certificate of Environmental Liability Release (CELR)  
vs.
- Voluntary Cleanup Program (VCP) Class I - No Further Action (NFA)
- Contaminated Property Redevelopment Fund
- **Kansas Brownfields Program**

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# CELR vs Class I NFA

- CELR is issued to a perspective purchaser or owner.
- CELR is non-transferable.
- Only applies to property acquired on or after July 1, 2016.
- The certificate holder shall disclose the CELR to subsequent purchasers until the property can be used for unrestricted use.
- The Department encourages certificate holders to file the CELR at the Register of Deeds in the applicable county.

# CELR vs Class I NFA

- Class I No Further Action (NFA or NoFA) is property specific.
- Applies to properties impacted by contamination documented to originate from an off property source.
- NFA Determination is filed at the Register of Deeds for the applicable county in which the property is located.
- Follows the property in perpetuity regardless of ownership.



EPA estimates 450,000 to 1,000,000 brownfield properties exist throughout the U.S.

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# Contaminated Property Redevelopment Fund

- Established under the Contaminated Property Redevelopment Act
- Funded by administrative fees and penalties collected by the Department for issuing and managing Certificates of Environmental Liability Release (CELRs).

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# Contaminated Property Redevelopment Fund

In addition to administering the Environmental Liability Release Program, the fund also provides for the following:

Loans and grants to municipalities for assessments and cleanup actions for brownfields redevelopment projects.

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# Kansas Brownfields Program



Brownfields Program Application on website

- Kansas – [www.kdheks.gov/brownfields](http://www.kdheks.gov/brownfields)

## Applicant eligibility

- City, County, Non-Profit, or Private (if private – the applicant must have a letter of support from the local government and/or community)

## Property eligibility

- Meet definition of a brownfields property
- Cannot be an active site being addressed through another KDHE regulatory program or EPA

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# Phase I ESA

Purpose is to identify Recognized Environmental Conditions (RECs)

- The presence or likely presence of any hazardous substances or petroleum products in, on, or at a property:
- (1) due to release to the environment;
- (2) under conditions indicative of a release to the environment; or
- (3) under conditions that pose a material threat of a future release to the environment.

# Phase II ESA

Purpose is to confirm absence or presence of environmental Contamination.

# Add-Scope Considerations

- Additional considerations outside of Phase I ESA
  - Asbestos Survey
  - Lead-based paint sampling
  - Mold sampling (Kansas)



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# Questions



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# CONTACT INFORMATION

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